

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY 18-40752  
Chapter 7

Mark E. Herman,

Debtor.

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**DEBTOR MARK HERMAN'S NOTICE OF APPEAL AND STATEMENT OF  
ELECTION**

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**Part 1: Identify the appellant(s)**

1. Name(s) of appellant(s): Debtor Mark E. Herman
2. Position of appellant(s) in the adversary proceeding or bankruptcy case that is the subject of this appeal:

For appeals in an adversary proceeding.

- ☐ Plaintiff  
☐ Defendant  
☐ Other (describe) \_\_\_\_\_

For appeals in a bankruptcy case and not in an adversary proceeding.

- ☒ Debtor  
☐ Creditor  
☐ Trustee  
☐ Other (describe) \_\_\_\_\_

**Part 2: Identify the subject of this appeal**

1. Describe the judgment, order, or decree appealed from: ORDER denying Debtor's motion for relief from order (attached).
2. State the date on which the judgment, order, or decree was entered: April 6, 2021

**Part 3: Identify the other parties to the appeal**

List the names of all parties to the judgment, order, or decree appealed from and the names, addresses, and telephone numbers of their attorneys (attach additional pages if necessary):

1. Party: Amber Senn and  
Numeric Trading Company  
(Interested Party)

Attorney: Morrison Sund PLLP  
Matthew R. Burton (#210028)  
5125 County Road 101, Suite 200  
Minnetonka, MN 55345  
Telephone: (952) 975-0050  
mburton@morrisonssund.com

2. Party: Nauni Manty  
Trustee

Attorney: Manty & Associates, P.A.  
Mary F. Sieling (#389893)  
401 2nd Avenue North, Suite 400  
Minneapolis, MN 55401  
Telephone: (612) 465-0990  
mary@mantylaw.com

**Part 4: Optional election to have appeal heard by District Court (applicable only in certain districts)**

If a Bankruptcy Appellate Panel is available in this judicial district, the Bankruptcy Appellate Panel will hear this appeal unless, pursuant to 28 U.S.C. § 158(c)(1), a party elects to have the appeal heard by the United States District Court. If an appellant filing this notice wishes to have the appeal heard by the United States District Court, check below. Do not check the box if the appellant wishes the Bankruptcy Appellate Panel to hear the appeal.

☒ Appellant(s) elect to have the appeal heard by the United States District Court rather than by the Bankruptcy Appellate Panel.

**Part 5: Sign below**

Dated: April 20, 2021

SRCARLSON LAW, LLC



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Scott R. Carlson (192284)  
2700 W. 59th Street  
Minneapolis, MN 55410  
(612) 207-0120  
scott@srcarlsonlaw.com

**ATTORNEY FOR MARK HERMAN**

Attachment:

Order denying debtor's motion for relief from order dated April 6, 2021.

UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

In re:

Mark E. Herman,

Debtor.

ORDER

BKY 18-40752

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At Minneapolis, Minnesota, April 6, 2021.

This case is before the court for an evidentiary hearing on the debtor's motion for relief from order. For reasons stated orally and recorded in open court,

IT IS ORDERED: The motion is denied.

/e/ Kathleen H. Sanberg

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UNITED STATES BANKRUPTCY JUDGE

NOTICE OF ELECTRONIC ENTRY AND FILING ORDER OR JUDGMENT Filed and Docket Entry made on 04/06/2021 Lori Vosejpka, Clerk, by LH
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UNITED STATES BANKRUPTCY COURT  
DISTRICT OF MINNESOTA

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In re:

BKY 18-40752  
Chapter 7

Mark E. Herman,

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**DECLARATION OF SERVICE VIA E-NOTICE**

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Scott R. Carlson respectfully states that to the best of his knowledge, all parties entitled to service of the enclosed or concurrently filed:

NOTICE OF APPEAL AND STATEMENT OF ELECTION

Attachments: Order denying debtor's motion for relief from order dated April 6, 2021  
Proof of Service

will receive electronic e-mailed notice of filing, with a link to the copy thereof, from the court's EM/ECF server.

April 20, 2021

*s/Scott R. Carlson*

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